

ENTERED

May 09, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONJACK PIDGEON, *et al*,

Plaintiffs,

VS.

CITY OF HOUSTON, *et al*,

Defendants.

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CIVIL ACTION NO. 4:18-CV-0675

ORDER ON ATTORNEY'S FEES AND COSTS

Before the Court are the plaintiffs' petition for attorneys' fees and costs related to the improvident removal of this case from the 310th Judicial District Court of Harris County Texas. After reviewing the documents filed [DEs 20, 21, 22 and 23], the Court determines that although the fees associated with responding to the removal are excessive, a reasonable fee and costs are appropriate.

The Court entered findings of fact concerning the defendants' removal conduct and determines that further findings in that respect are unwarranted. Therefore, the defendant's motion for reconsideration is Denied. The Court makes the following findings concerning an attorney's fee and costs after applying the *Johnson* factors to the plaintiffs' motion. *See Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974):

- a) the plaintiff incurred reasonable and necessary attorneys' fees in the amount of \$20,250 in connection with the preparation and filing of their motion for remand. The Court determines that the issue(s) presented and argued were not novel or discrete requiring the time expended or the hourly rate sought. In this regard, the Court finds that 40 hours is reasonable whether one or three attorneys participated in the preparation and filing of remand motion and briefs and an additional five hours for preparation of the fee application. The Court is also of the opinion that \$450 per hour for this type motion is sufficient and reasonable; and
- b) the plaintiffs' incurred costs in the amount of \$69.20, which amount is awarded.

It is ORDERED that the plaintiffs' counsel recover an attorneys' fee and costs in the amount of \$20,319.70.

It is so ORDERED.

SIGNED on this 9th day of May, 2018.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge